

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
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DOC #: _____
DATE FILED: 1/15/2025----- X
JESUS ALBERTO ZELAYA, *on behalf of himself, FLSA*
Collective Plaintiffs, and the Class,

Plaintiff,

-against-

PANTELOS TSEKOS, ANDREAS TSEKOS, *and*
FOREVER NEW CONSTRUCTION INC.,Defendants.
----- X

1:25-cv-195-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

Plaintiff commenced this action on January 9, 2025, alleging, among other things, that Defendants failed to pay him adequate wages in violation of the Fair Labor Standards Act, 29 U.S.C. §§ 201 et. seq. (“FLSA”) and New York Labor Law, N.Y. Lab. Law § 650 et seq. (“NYLL”). Dkt. No. 1 ¶¶ 59–75 (“Complaint”). The Complaint alleges, without elaboration, that venue is “proper in the Southern District pursuant to 28 U.S.C. § 1391.” *Id.* ¶ 7.

Plaintiff is a “resident of Queens County, New York,” *id.* ¶ 8, and Defendant Forever New Construction, Inc. is headquartered in Queens County, New York, *see id.* ¶ 9. Moreover, individual defendants Pantelis Tsekos and Andreas Tsekos are owners and co-founders of Forever New Construction, Inc. in Queens County, *id.* ¶¶ 10–11, they are not alleged to reside in the Southern District of New York, *id.*, and there are no allegations in the Complaint that events occurring in the Southern District of New York gave rise to this action, *see id.* ¶¶ 27–28. Accordingly, on January 10, 2025, the Court issued an order to show cause as to why this case should not be transferred to the Eastern District of New York. Dkt. No. 6; *see* 28 U.S.C. § 112(c) (“The Eastern District comprises the counties of Kings, Nassau, Queens, Richmond, and Suffolk . . .”). The order gave Plaintiff

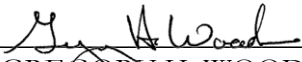
until January 17, 2025 to show cause as to why this case should not be transferred to the Eastern District of New York, or, alternatively, to consent to transfer. Dkt. No. 6; 28 U.S.C. § 1406(a).

On January 15, 2025, Plaintiff filed a letter consenting to the transfer of this case to the Eastern District of New York. Dkt. No. 7. Because Plaintiff consents to transfer, because venue does not lie in this district, and because the interest of justice weighs in favor of transferring this case to the district that encompasses the proper venue, this case is hereby transferred pursuant to 28 U.S.C. § 1406(a) to the Eastern District of New York.

The Clerk of Court is directed to transfer this case to the Eastern District of New York without delay. Plaintiff is directed to serve a copy of this order on Defendants and to retain proof of service.

SO ORDERED.

Dated: January 15, 2025
New York, New York



GREGORY H. WOODS
United States District Judge